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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Note by the Secretary-General

1. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification.

2. As at 1 December 1985, the Convention had been ratified or acceded to by 82 States. A list of States parties to the Convention, as well as the dates of their ratification or accession and the dates of entry into force of the Convention for States concerned, appear in annex I to the present note.

3. Under article VII of the Convention, the States parties undertake to submit to the group established under article IX periodic reports on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.

4. In accordance with article IX of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII.

5. The Group of Three appointed by the Chairman of the Commission at its fortieth session, held its eighth (1985) session at the United Nations Office at Geneva from 28 January to 1 February 1985. It had before it a note by the Secretary-General (E/CN.4/1985/26) concerning the implementation of the Convention, as well as reports submitted by eight States parties since its seventh (1984) session which were considered by the Group in the presence of the representatives of the reporting States. A list indicating the status of submission of reports by States parties since the entry into force of the Convention and the sessions at which those reports were considered by the Group of Three appears in annex II below.

6. In its report to the Commission on Human Rights at its forty-first session (E/CN.4/1985/27), the Group of Three, inter alia, expressed its appreciation to the representatives of the reporting States for their presence at its meetings and for their participation in its work. The Group considered this practice to be a useful and constructive contribution to its work which should be continued in the future and called upon States parties to provide in their reports more information on the measures they had adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article. It also drew the attention of the States parties to the importance of article XI of the Convention and invited them to include in their reports more information on their implementation of the provisions of that article.

7. In its resolution 1985/10 of 26 February 1985, the Commission on Human Rights, inter alia, took note with appreciation of the report of the Group of Three set up under the Convention and in particular the conclusions and recommendations contained in that report; commended those States parties to the Convention that had submitted periodic reports and called upon those States that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention; again urged States which had not yet done so to ratify or accede to the Convention without delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and in Namibia, and without whose co-operation such operations could not be halted; recommended once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports; requested once more the Secretary-General to invite the States parties to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa; further requested the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa; requested the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission at its forty-second session; and decided that the Group of Three shall meet for a period of not more than five days before the forty-second session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

8. In a series of notes dated 6 May 1985 the Secretary-General brought to the attention of States concerned, the specialized agencies and non-governmental organizations, the relevant provisions of Commission resolution 1985/10 and requested the States parties to the Convention to submit their reports within the time-limits indicated in Commission resolution 7 (XXXIV),1/ and in time for appropriate transmission to the Group of Three at its ninth (1986) session and to the Commission at its forty-second session.

1/ By its resolution 7 (XXXIV) of 22 February 1978, the Commission on Human Rights called upon the States parties to submit their initial report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at two-yearly intervals, with the understanding that they may submit additional information to the Group at any time they wished in the intervening period.

9. By its resolution 40/27 of 29 November 1985, the General Assembly, inter alia, commended those States parties to the Convention that had submitted their reports under article VII of the Convention; appealed once again to those States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation such operations could not be halted; drew the attention of all States to the opinion expressed by the Group of Three in its report that article III of the Convention could apply to the actions of transnational corporations operating in South Africa; further requested the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commisison on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa; requested the Secretary-General to intensify his efforts through appropriate channels to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention; requested the Commission on Human Rights to intensify, in co-operation with the Special Committee against Apartheid, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as of those against whom or which legal proceedings have been undertaken; requested the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication; and appealed to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness through denouncing the crimes committed by the racist régime of South Africa.

10. Since the forty-first session of the Commission, the following States parties to the Convention have submitted their reports: Peru (E/CN.4/1986/29/Add.1), Suriname (E/CN.4/1986/29/Add.2), Ecuador (E/CN.4/1986/29/Add.3), Gabon (E/CN.4/1986/29/Add.4), German Democratic Republic (E/CN.4/1986/29/Add.5), Iraq (E/CN.4/1986/29/Add.6), Syrian Arab Republic (E/CN.4/1986/29/Add.7) and Czechoslovakia (E/CN.4/1986/29/Add.8). These reports will be available to the Group of Three for examination at its ninth (1986) session and to the Commission on Human Rights at its forty-second session. Any other reports which may be received by the Secretary-General before the Commission's session will be issued in further addenda to document E/CN.4/1986/29.

ANNEX I

States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Afghanistan	6 July 1983 a/	5 August 1983
Algeria	26 May 1982	25 June 1982
Antigua and Barbuda	7 October 1982 a/	6 November 1982
Argentina	7 November 1985	7 December 1985
Bahamas	31 March 1981 a/	30 April 1981
Bangladesh	5 February 1985 a/	7 March 1985
Barbados	7 February 1979 a/	9 March 1979
Benin	30 December 1974	18 July 1976
Bolivia	6 October 1983 a/	5 November 1983
Bulgaria	18 July 1974	18 July 1976
Burkina Faso	24 October 1978	23 November 1978
Burundi	12 July 1978 a/	11 August 1978
Byelorussian Soviet Socialist Republic	2 December 1975	18 July 1976
Cameroon	1 November 1976 a/	1 December 1976
Cape Verde	12 June 1979 a/	12 July 1979
Central African Republic	8 May 1981 a/	7 June 1981
Chad	23 October 1974	18 July 1976
China	18 April 1983 a/	18 May 1983
Congo	5 October 1983 a/	4 November 1983
Cuba	1 February 1977 a/	3 March 1977
Czechoslovakia	25 March 1976	18 July 1976
Democratic Kampuchea	28 July 1981	27 August 1981
Ecuador	12 May 1975	18 July 1976
Egypt	13 June 1977 a/	13 July 1977
El Salvador	30 November 1979 a/	30 December 1979
Ethiopia	19 September 1978 a/	19 October 1978
Gabon	29 February 1980 a/	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
German Democratic Republic	12 August 1974	18 July 1976

a/ Date of accession.

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Ghana	1 August 1978	31 August 1978
Guinea	3 March 1975	18 July 1976
Guyana	30 September 1977 a/	30 October 1977
Haiti	19 December 1977	18 January 1978
Hungary	20 June 1974	18 July 1976
India	22 September 1977 a/	22 October 1977
Iran (Islamic Republic of)	18 April 1985 a/	18 May 1985
Iraq	9 July 1975	18 July 1976
Jamaica	18 February 1977	20 March 1977
Kuwait	23 February 1977 a/	25 March 1977
Lao People's Democratic Republic	5 October 1981 a/	4 November 1981
Lesotho	4 November 1983 a/	4 December 1983
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	8 July 1976 a/	7 August 1976
Madagascar	26 May 1977 a/	25 June 1977
Maldives	24 April 1984 a/	24 May 1984
Mali	19 August 1977 a/	18 September 1977
Mexico	4 March 1980 a/	3 April 1980
Mongolia	6 August 1975	18 July 1976
Mozambique	18 April 1983 a/	18 May 1983
Namibia	11 November 1982 a/	11 December 1982
Nepal	12 July 1977 a/	11 August 1977
Nicaragua	28 March 1980 a/	27 April 1980
Niger	28 June 1978 a/	28 July 1978
Nigeria	31 March 1977	30 April 1977
Panama	16 March 1977	15 April 1977
Peru	1 November 1978 a/	1 December 1978
Philippines	24 January 1978	23 February 1978
Poland	15 March 1976	18 July 1976
Qatar	19 March 1975	18 July 1976
Romania	15 August 1978	14 September 1978
Rwanda	23 January 1981	22 February 1981
Saint Vincent and the Grenadines	9 November 1981 a/	9 December 1981

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Sao Tome and Principe	5 October 1979 a/	4 November 1979
Senegal	18 February 1977 a/	20 March 1977
Seychelles	13 February 1978 a/	15 March 1978
Somalia	28 January 1975 a/	18 July 1976
Sri Lanka	18 February 1982 a/	20 March 1982
Sudan	21 March 1977	20 April 1977
Suriname	3 June 1980	3 July 1980
Syrian Arab Republic	18 June 1976	18 July 1976
Togo	24 May 1984 a/	23 June 1984
Trinidad and Tobago	26 October 1979	25 November 1979
Tunisia	21 January 1977 a/	20 February 1977
Ukrainian Soviet Socialist Republic	10 November 1975	18 July 1976
Union of Soviet Socialist Republics	26 November 1975	18 July 1976
United Arab Emirates	15 October 1975	18 July 1976
United Republic of Tanzania	11 June 1976 a/	18 July 1976
Venezuela	28 January 1983 a/	27 February 1983
Viet Nam	9 June 1981 a/	9 July 1981
Yugoslavia	1 July 1975	18 July 1976
Zaire	11 July 1978	10 August 1978
Zambia	14 February 1983 a/	15 March 1983

ANNEX II

Status of submission of reports by States parties since the entry into force of the Convention

State parties	Documents containing initial and periodic reports, if any	Date of submission	Session at which the report was considered
Afghanistan	-	-	-
Algeria	E/CN.4/1985/26/Add.3	6 August 1984	1985 session
Antigua and Barbuda	-	-	-
Argentina	-	-	-
Bahamas	-	-	-
Bangladesh	-	-	-
Barbados	E/CN.4/1505/Add.1	17 July 1981	1982 session
Benin	-	-	-
Bolivia	-	-	-
Bulgaria	E/CN.4/1277/Add.7	4 January 1978	1978 session
	E/CN.4/1353/Add.10	5 February 1980	1981 session
	E/CN.4/1983/24/Add.8	15 December 1982	1983 session
	E/CN.4/1985/26/Add.6	28 December 1985	1985 session
Burkina Faso	-	-	-
Burundi	E/CN.4/1415/Add.8	12 November 1980	1981 session
Byelorussian Soviet Socialist Republic	E/CN.4/1277/Add.14	8 February 1978	1979 session
	E/CN.4/1415/Add.4	6 October 1980	1981 session
	E/CN.4/1983/24/Add.13	25 January 1983	1984 session
	E/CN.4/1985/26/Add.1	14 May 1984	1985 session
Cameroon	E/CN.4/1277/Add.3	6 October 1977	1978 session
Cape Verde	E/CN.4/1983/24/Add.3	25 June 1982	1983 session
	E/CN.4/1984/36/Add.4	4 August 1983	1984 session
Central African Republic	-	-	-
Chad	-	-	-
China	-	-	-
Congo	-	-	-

State parties	Documents containing initial and periodic reports, if any	Date of submission	Session at which the report was considered
Cuba	E/CN.4/1277/Add.8	3 January 1978	1978 session
	E/CN.4/1353/Add.7	28 January 1980	1981 session
	E/CN.4/1983/24/Add.1	15 March 1982	1983 session
	E/CN.4/1984/36/Add.9	2 February 1984	1985 session
Czechoslovakia	E/CN.4/1277/Add.6	20 December 1977	1978 session
	E/CN.4/1983/24/Add.5	20 August 1982	1983 session
Democratic Kampuchea	-	-	-
Ecuador	E/CN.4/1983/24/Add.2	30 April 1982	1983 session
	E/CN.4/1986/29/Add.3 */	2 September 1985	
Egypt	E/CN.4/1415/Add.7/Rev.1	12 November 1980	1981 session
	E/CN.4/1984/36/Add.8	20 December 1983	1984 session
El Salvador	E/CN.4/1984/36/Add.2	8 March 1983	1984 session
Ethiopia	-	-	-
Gabon	E/CN.4/1986/29/Add.4 */	23 September 1985	
Gambia	-	-	-
German Democratic Republic	E/CN.4/1277/Add.4	29 November 1977	1978 session
	E/CN.4/1353/Add.4	7 January 1980	1980 session
	E/CN.4/1505/Add.8	7 December 1981	1982 session
	E/CN.4/1986/29/Add.5 */	25 September 1985	
Ghana	-	-	-
Guinea	-	-	-
Guyana	-	-	-
Haiti	-	-	-
Hungary	E/CN.4/1277/Add.16	14 February 1978	1979 session
	E/CN.4/1353/Add.6	15 January 1980	1980 session
	E/CN.4/1505/Add.6	6 October 1981	1982 session
	E/CN.4/1984/36/Add.7	16 November 1983	1984 session
India	E/CN.4/1353/Add.5	14 January 1980	1980 session
	E/CN.4/1983/24/Add.6	7 October 1982	1983 session

*/ Scheduled for consideration by the Group of Three at its ninth (1986) session.

State parties	Documents containing initial and periodic reports, if any	Date of submission	Session at which the report was considered
Iran (Islamic Republic of)	-	-	-
Iraq	E/CN.4/1353/Add.3	28 December 1979	1980 session
	E/CN.4/1505/Add.5	18 September 1981	1982 session
	E/CN.4/1983/24/Add.10	30 December 1982	1983 session
	E/CN.4/1986/29/Add.6 */	11 November 1985	
Jamaica	-	-	-
Kuwait	E/CN.4/1277/Add.1	16 August 1977	1978 session
Lao People's Democratic Republic	-	-	-
Lesotho	-	-	-
Liberia	-	-	-
Libyan Arab Jamahiriya	-	-	-
Madagascar	E/CN.4/1277/Add.13	31 January 1978	1979 session
	E/CN.4/1985/26/Add.4	20 September 1984	1985 session
Maldives	-	-	-
Mali	E/CN.4/1415/Add.3	5 September 1980	1981 session
Mexico	E/CN.4/1505/Add.3	24 August 1981	1982 session
Mongolia	E/CN.4/1505/Add.7	27 October 1981	1982 session
	E/CN.4/1984/36/Add.5	5 August 1983	1984 session
Mozambique	-	-	-
Namibia	-	-	-
Nepal	-	-	-
Nicaragua	-	-	-
Niger	-	-	-
Nigeria	E/CN.4/1277/Add.12	1 February 1978	1978 session
	E/CN.4/1415/Add.9	22 January 1981	1981 session

*/ Ibid.

State parties	Documents containing initial and periodic reports, if any	Date of submission	Session at which the report was considered
Panama	E/CN.4/1277/Add.2	31 August 1977	1978 session
Peru	E/CN.4/1983/24/Add.12	31 December 1982	1983 sesison
	E/CN.4/1986/29/Add.1 */	15 July 1985	
Philippines	E/CN.4/1984/36/Add.1	9 February 1983	1984 session
Poland	E/CN.4/1277/Add.15	10 February 1978	1979 session
	E/CN.4/1353/Add.11	10 March 1980	1981 session
	E/CN.4/1983/24/Add.9	17 December 1982	1983 session
Qatar	E/CN.4/1415/Add.1	25 June 1980	1981 session
	E/CN.4/1505/Add.4	15 September 1981	1982 session
	E/CN.4/1984/36/Add.3	22 July 1983	1984 session
Romania	E/CN.4/1415/Add.6	3 November 1980	1981 session
Rwanda	E/CN.4/1984/36/Add.6	14 October 1983	1984 session
Saint Vincent and the Grenadines	E/CN.4/1983/24/Add.4	30 June 1982	1983 session
Sao Tome and Principe	-	-	-
Senegal	E/CN.4/1277/Add.10	11 January 1978	1978 session
Seychelles	-	-	-
Somalia	-	-	-
Sri Lanka	-	-	-
Sudan	-	-	-
Suriname	E/CN.4/1986/29/Add.2 */	21 August 1985	
Syrian Arab Republic	E/CN.4/1277/Add.9	9 January 1978	1978 session
	E/CN.4/1353/Add.2	18 December 1979	1980 session
	E/CN.4/1505/Add.10	18 January 1982	1982 session
	E/CN.4/1986/29/Add.7 */	8 November 1985	
Togo	-	-	-
Trinidad and Tobago	-	-	-

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*/ Ibid.

State parties	Documents containing initial and periodic reports, if any	Date of submission	Session at which the report was considered
Tunisia	E/CN.4/1353/Add.9	30 January 1980	1981 session
	E/CN.4/1983/24/Add.14	14 February 1983	1984 session
Ukrainian Soviet Socialist Republic	E/CN.4/1277/Add.17	17 March 1978	1979 session
	E/CN.4/1415/Add.5	28 October 1980	1981 session
	E/CN.4/1983/24/Add.11	10 January 1983	1983 session
	E/CN.4/1985/26/Add.5	20 December 1984	1985 session
Union of Soviet Socialist Republics	E/CN.4/1277/Add.11	20 January 1978	1978 session
	E/CN.4/1415/Add.2	25 August 1980	1981 session
	E/CN.4/1505/Add.9	17 December 1981	1982 session
	E/CN.4/1984/36/Add.10	13 February 1984	1985 session
United Arab Emirates	E/CN.4/1277/Add.5	9 December 1977	1978 session
	E/CN.4/1353/Add.1	23 July 1979	1980 session
	E/CN.4/1505/Add.2	5 August 1981	1982 session
United Republic of Tanzania	-	-	-
Venezuela	-	-	-
Viet Nam	-	-	-
Yugoslavia	E/CN.4/1353/Add.8	28 January 1980	1981 session
	E/CN.4/1983/24/Add.7	14 December 1982	1983 session
	E/CN.4/1985/26/Add.2	24 July 1984	1985 session
Zaire	-	-	-
Zambia	-	-	-